

EXHIBIT A

MID-L-005193-17 08/31/2017 3:12:41 PM Pg 2 of 17 Trans ID: LCV2017166524

STARK & STARK
A Professional Corporation
Attorneys at Law
Princeton Pike Corporate Center
993 Lenox Drive, Building 2
P.O. Box 5315
Princeton, New Jersey 08543-5315
(609) 896-9060
Attorneys for Plaintiff
By: J. Robert Bratman, Esquire (03326-1986)

ANDREW L. FUSS and JESSICA FUSS

Plaintiff

vs.

UBER TECHNOLOGIES, INC., RAISER,
LLC, QUELEKO KODIA, JOHN DOES 1-10
(fictitious designations), and ABC
COMPANIES 1-10 (fictitious designations)

Defendants

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
LAW DIVISION

Docket No.

CIVIL ACTION

COMPLAINT AND JURY DEMAND

DEMAND FOR ANSWERS TO
INTERROGATORIES

Plaintiffs, ANDREW L. FUSS and JESSICA FUSS, residing at 78 Highview Drive, in the
Town of West Warwick, County of Kent, and State of Rhode Island, by way of Complaint, says:

FIRST COUNT

1. At all times relevant to this action, Defendant UBER TECHNOLOGIES, INC., is a
Delaware Corporation that is headquartered in San Francisco, California, and conducts
business throughout the entire State of New Jersey, including, but not limited to, the County of
Middlesex.

2. At all times relevant to this action, Defendant RAISER, LLC., is a Delaware
limited liability company that is headquartered in San Francisco, California. Defendant RAISER,
LLC is a subsidiary of UBER TECHNOLOGIES, INC. and licenses technology from defendant

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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UBER TECHNOLOGIES, INC., and conducts business throughout the entire State of New Jersey, including, but not limited to, the County of Middlesex.

3. On Monday, October 5, 2015, Plaintiff, ANDREW L. FUSS, was a passenger in a vehicle owned and operated by Defendant, OUELEKO KODIA and/or JOHN DOES 1-10 (fictitious designations), which was traveling westbound on Interstate 280 in the area of milepost 8.9, in the Township of West Orange, County of Essex, and State of New Jersey.

4. At present, the identities of Defendants, JOHN DOES 1-10, is unknown. As such, "JOHN DOES 1-10", is a fictitious designation, representing one or more individuals, sole proprietorships, associations, limited partnerships, general partnerships, limited liability companies and/or corporations, which in any way owned, possessed, controlled, entrusted, insured, hired for and/or maintained any motor vehicle(s) which caused or contributed to the accident at issue herein, or who were otherwise responsible, in whole or in part, for the said accident or the injuries sustained by the Plaintiff.

5. At all times material hereto, Defendants, OUELEKO KODIA and/or JOHN DOES 1-10 (fictitious designations), so negligently owned, operated, maintained, insured, entrusted and/or hired for, their motor vehicle(s), so as to cause a collision.

6. As a direct and proximate result of the carelessness, recklessness, and negligence of the Defendants, OUELEKO KODIA and/or JOHN DOES 1-10 (fictitious designations), as aforesaid, and their disregard for the safety of others, Plaintiff, ANDREW L. FUSS was caused to suffer severe bodily injuries, some or all of which are permanent in nature; has been caused to aggravate any pre-existing medical condition, symptomatic and/or asymptomatic, which is permanent; has been caused and will be caused great pain and suffering; has been caused and will be caused to expend large sums of money for medical

STARK & STARK
ATTORNEYS AT LAW
MARINE ADDRESS
P.O. BOX 9319
PRINCETON, NJ 08543-5315

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treatment necessary to effect a cure for his injuries; and, has been caused and will be caused to lose large sums of money due to his inability to pursue his usual occupation.

WHEREFORE, Plaintiff, ANDREW L. FUSS, demands Judgment for damages generally against the Defendants, OUELEKO KODIA and JOHN DOES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

SECOND COUNT

1. Plaintiff, ANDREW L. FUSS, hereby repeats and incorporates by this reference all of the allegations contained in the First Count of this Complaint as if set forth at length herein.

2. At the time and place hereinabove described, Defendant, OUELEKO KODIA, was the operator of the vehicle acting in the course and scope of his employment and/or agency for Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, and/or ABC COMPANIES 1-10 (fictitious designations), who negligently entrusted and/or hired the Defendant driver, OUELEKO KODIA.

3. At present, the identities of Defendants, ABC COMPANIES 1-10 are unknown. As such, "ABC COMPANIES 1-10", are fictitious designations, representing one or more individuals, sole proprietorships, associations, limited partnerships, general partnerships, limited liability companies and/or corporations, which in any way owned, possessed, controlled, entrusted, insured, hired, inspected, and/or maintained the subject vehicle which caused or contributed to the accident at issue herein, or who were otherwise responsible, in whole or in part, for the said accident or the injuries sustained by the Plaintiff.

4. Prior to the occurrence of which Plaintiff complains, Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, and/or ABC COMPANIES 1-10 (fictitious designations), so negligently investigated the individual identified, OUELEKO KODIA, as to cause an unfit and

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unsuitable driver and vehicle to be placed in a position where he could and did, in fact, cause harm to the Plaintiff, ANDREW L. FUSS.

5. Under the circumstances hereinabove described, Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, and/or ABC COMPANIES 1-10 (fictitious designations), are vicariously responsible and liable for the negligence of Defendant, OUELEKO KODIA, and for the collision and injuries which resulted.

WHEREFORE, Plaintiff, ANDREW L. FUSS, demands Judgment against Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, and/or ABC COMPANIES 1-10 (fictitious designations), for such sums as would reasonably and properly compensate him in accordance with the laws of the State of New Jersey, together with interest, costs of suit, and such other relief as the Court may deem just.

THIRD COUNT

1. Plaintiff, JESSICA FUSS, is the wife of Plaintiff, ANDREW L. FUSS.
2. Plaintiff, JESSICA FUSS, repeats all of the Paragraphs of the First and Second Counts of this Complaint and makes them a part hereof.

3. As a further direct and proximate result of the carelessness, recklessness, and negligence of the Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, OUELEKO KODIA, JOHN DOES 1-10 (fictitious designations), and ABC COMPANIES 1-10 (fictitious designations), and their disregard for the safety of others, Plaintiff JESSICA FUSS, has been caused and will be caused to lose the services of her dear husband, and has been caused and will be caused to suffer loss of consortium.

WHEREFORE, Plaintiff, JESSICA FUSS, demands Judgment for damages generally against the Defendants, UBER TECHNOLOGIES, INC., RAISER, LLC, OUELEKO KODIA,

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JOHN DOES 1-10 (fictitious designations), and ABC COMPANIES 1-10 (fictitious designations), individually, jointly, severally, or in the alternative, together with interest and costs of suit.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiff

By: J. ROBERT BRATMAN

JURY DEMAND

Plaintiffs ANDREW L. FUSS and JESSICA FUSS hereby demand a trial by jury as to all issues.

CERTIFICATION OF OTHER ACTIONS/PARTIES

Pursuant to the provisions of Rule 4:5-1, the undersigned attorney certifies that this matter is not the subject of any other action pending in any court or arbitration proceeding, nor is any other action or arbitration proceeding contemplated, and all known necessary parties have been joined in this action.

CERTIFICATION OF COMPLIANCE WITH RULE 1:38-7(c)(1)

Pursuant to Rule 1:38-7(b), all confidential identifiers of the parties to this action have or will be redacted from all documents or pleadings submitted to the court.

DESIGNATION OF TRIAL COUNSEL

Pursuant to the provisions of Rule 4:25-4 the Court is advised that J. ROBERT BRATMAN is hereby designated as trial counsel.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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**DEMAND FOR ANSWERS TO INTERROGATORIES & SUPPLEMENTAL
INTERROGATORIES**

*Plaintiffs, ANDREW L. FUSS and JESSICA FUSS, demands that Defendants, UBER
TECHNOLOGIES, INC., RAISER, LLC, QUELEKO KODIA, provide answers to interrogatories
as follows:*

***FORM C and FORM C(1) UNIFORM INTERROGATORIES as set forth in Appendix II of
the New Jersey Court Rules effective September 1, 2008.***

SUPPLEMENTAL INTERROGATORIES #1-10.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiff

By: _____
J. ROBERT BRATMAN

Dated: August 31, 2017

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5305
PRINCETON, NJ 08543-9315

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STARK & STARK
A Professional Corporation
Attorneys at Law
Princeton Pike Corporate Center
993 Lenox Drive, Building 2
P.O. Box 5315
Princeton, New Jersey 08543-5315
(609) 896-9060
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Defendants

SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
LAW DIVISION

Docket No.

CIVIL ACTION

DEMAND FOR DISCOVERY
OF INSURANCE COVERAGE

TO: UBER TECHNOLOGIES, INC., RAISER, LLC, OUELEKO KODIA

Pursuant to Rule 4:10-2(b) demand is hereby made that you disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.
YES () NO ()

If the answer is "yes" attach a copy of each or in the alternative state, under oath or certification (a) number (b) name and address of insurer or issuer (c) inception of expiration dates (d) names and addresses of all persons insured thereunder (e) personal injury limits (f) property damage limits (g) medical payment limits (h) name and address of person who has custody and possession thereof (i) where and when each policy or agreement can be inspected and copied.

Dated: _____

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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STARK & STARK
A Professional Corporation
Attorneys at Law
Princeton Pike Corporate Center
1-295 and Princeton Pike
P.O. Box 5315
Princeton, New Jersey 08543-5315
(609) 896-9060
Attorneys for Plaintiff
By: J. Robert Bratman, Esquire (03326-1986)

ANDREW L. FUSS and JESSICA FUSS
Plaintiff

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SUPERIOR COURT OF NEW JERSEY
MIDDLESEX COUNTY
LAW DIVISION

Docket No.

CIVIL ACTION

NOTICE TO PRODUCE

TO: UBER TECHNOLOGIES, INC., RAISER, LLC, OUELEKO KODIA

Pursuant to Rule 4:18-1, plaintiff hereby requests that the defendant produce the following documents within the time prescribed by the Court Rules:

1. If you allege any of the injuries plaintiff contends were caused by the incident in issue were not caused by incident/accident, please produce the following documents:

a) All medical reports and documents upon which you rely;
b) Copies of any and all pleadings, interrogatories, depositions or trial transcripts or any other records upon which you will rely.

2. If you allege the plaintiff has been involved in any previous or subsequent accidents or incidents or sustained any previous or subsequent injuries to those in question, please produce the following:

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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- a) Copies of all medical reports and documents upon which you will rely;
- b) Copies of any pleading, interrogatory, deposition, trial testimony or any

other records upon which you will rely.

3. If you intend to utilize a seat belt defense please produce a copy of your expert's report including but not limited to, all raw data, all calculations, all computer programs, all engineering studies said expert's curriculum vitae, any and all standards and all treatises upon which said expert will rely.

4. If you intend to cross-examine any of the plaintiff's experts by use of any medical or scientific treatises or any treatises please attach copies of said documents.

5. Please attach copies of any photographs, videos, surveillance films, audio tapes or any other pictures, whether still or moving regarding any aspect of the happening of the accident or of the injuries and disabilities incurred by the plaintiff.

6. If you allege the plaintiff made any written admissions or declarations against interest as to the happening of the accident or the injuries sustained in the accident, please produce copies of any document containing such admissions or declarations against interest.

7. Please produce the following in regard to any surveillance conducted of the Plaintiff:

- a) Any and all logs, notes, audio tapes, invoices, billing receipts or documents that were kept concerning the filming of the videotapes or other surveillance that did not result in videotape.

- b) A list of all teams, members and other personnel involved in the filming of the videotapes along with the times those individuals were involved in the taping, the location of those individuals were involved in the taping, the location of those individuals at the time of the taping and what, if anything, those individuals were instructed to observe.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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c) A list of all people involved in the editing and/or copying, and/or transferring of the videotapes along with the times they worked on said videotapes and a detailed description of what they edited to include:

- i) Portions of original tape removed;
- ii) Voice-overs;
- iii) Portions of the tape clarified;
- iv) Any other editing job performed by these individuals.

d) A list of all people speaking on the tapes and what times those people were present for filming or editing.

e) A description of what is contained on the videotapes.

f) An explanation of what is contained on the videotapes.

g) A detailed explanation of what the defendant claims is shown by the videotapes.

h) A labeled set of videotapes with each tape marked as to its contents.

i) A list of all people associated with the filming, editing, production, viewing, delivery and otherwise involved in any manner with the videotapes and when each person was involved with said tapes and what they did with or to said tapes.

j) A list of all the equipment used in the filming of the videotapes including the model numbers of such equipment.

k) All correspondence regarding the videotaped surveillance and any other surveillance which may have resulted in videotape.

l) All still photographs.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
PO. BOX 9315
PRINCETON, NJ 08542-5315

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8. If you allege that any of the plaintiff's medical treatment was unnecessary, unreasonable or not related to the accident/incident forming the basis of this complaint, please attach copies of all documentation upon which you will rely to support this allegation.

9. If plaintiff is asserting a loss wage claim and you allege that the plaintiff was not disabled for any of the period of time claimed, please attach copies of any documentation upon which your allegation is based.

10. If you allege that plaintiff had any pre-existing medical condition please attach copies of any medical records or any other documentation upon which you intend to rely to support this allegation.

11. Please attach copies of all defense medical examinations.

12. Please attach copies of the application Defendant Kodia submitted to become an UBER driver.

13. Please attach copies of the annual inspection by an UBER representative or agent or other entity which was performed on Defendant's Kodia's vehicle prior to the date of loss.

14. Please attach copies of all background checks performed on the Uber driver Kodia.

15. Please attach copies of all payments made from Uber Technologies or Raiser LLC to Kodia.

16. Please attach copies of all reviews made by Uber customers regarding driver Kodia.

17. Please produce copies of any and all documents received from any subpoena or authorizations served in this matter.

18. Please attach copies of all written witness statements.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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19. Please produce copies of any and all statements taken from any of your employees as a result of this accident.

20. Please produce copies of all statements taken by you, or anyone acting on your behalf or by any party to this action regarding the happening of this accident.

21. Please attach copies of any reports made to anyone concerning the incident which is the subject matter of this suit.

22. If you allege that this accident or subsequent injuries were caused in part or in whole by any mechanical failure or defect of any of the vehicles involved in the accident please attach copies of all said documentation supporting said allegation.

23. Please attach a copy of your cellular telephone records for each cellular telephone in your custody, control, or possession on the date of the accident, including, but not limited to, the following:

a) Records of all incoming and outgoing calls, including, but not limited to, the start and end times of each call;

b) Records of all incoming and outgoing text messages, including, but not limited to, the send and receive times of each text message;

c) Records of all incoming and outgoing e-mails, including, but not limited to, the send and receive times of each e-mail; and

d) The name and description of your rate plan, including, but not limited to, call, data, and text message plans.

24. Please attach a copy of the billing records that include the date of the accident for each cellular telephone in your custody, control, or possession on the date of the accident and a copy of any payments, receipts of payments, and/or employer reimbursements for the bill.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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25. Please include copies of all records which would show the amount of time Defendant Kodia was logged in to the Uber driver app for the period of time of one week prior to the subject collision.

STARK & STARK
A Professional Corporation
Attorneys for Plaintiff

By: 
J. ROBERT BRATMAN

Dated: August 31, 2017

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08542-5315

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SUPPLEMENTAL AUTO INTERROGATORIES

1. With respect to the collision referred to in the complaint, please state whether or not the operator of defendant's motor vehicle was operating the motor vehicle as the agent, servant or employee of any other person, party or entity.
2. If so, please state the name and address of said person, party or entity.
3. If any party to this litigation received a motor vehicle summons, please state the disposition of said ticket or summons.
4. State in terms of feet, the distance between the front of your vehicle and the point of impact at the time you first observed the other vehicle or vehicles collided with, and state the speed of your vehicle and the other vehicles at that time.
5. With regard to the operator of the vehicle involved either owned or operated by you at the time of the accident, please state whether that person suffered from any physical or mental impairment at the time of the accident and if so, the nature and description of said impairment.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5313
PRINCETON, NJ 08543-5313

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6. Please state whether any of the operators of any of the vehicles involved in the collision had anything of an alcoholic nature to drink prior to the collision.
7. If the answer to the aforementioned interrogatory is in the affirmative, please state the amount of alcohol consumed and the place where such alcohol was consumed.
8. Were there any obstructions or impediments at or near the scene of the accident that interfered with the visual observations of any of the drivers involved in the alleged accident?
9. Please list cellular telephone numbers, provider names, and account numbers for every cellular telephone in the custody, control, or possession of the driver on the date of the accident.
10. If any of the parties have ever been convicted of a crime or disorderly person violation, please state the nature of said crime or violation and the date of said conviction.

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 8318
PRINCETON, NJ 08543-5315

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CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

I acknowledge my continuing responsibility to amend or supplement these answers as facts or information become known by my representative or me.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Please PRINT NAME of individual answering Interrogatories

SIGNATURE of individual answering Interrogatories

Dated:

STARK & STARK
ATTORNEYS AT LAW
MAILING ADDRESS
P.O. BOX 5315
PRINCETON, NJ 08543-5315

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Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-005193-17

Case Caption: FUSS ANDREW VS UBER
TECHNOLOGIES, INC.

Case Initiation Date: 08/31/2017

Attorney Name: J ROBERT BRATMAN

Firm Name: STARK & STARK PC

Address: 993 LENOX DR

LAWRENCEVILLE NJ 08648

Phone:

Name of Party: PLAINTIFF : Fuss, Andrew, L

Name of Defendant's Primary Insurance Company

(if known): James River Ins. Co.

Case Type: AUTO NEGLIGENCE-PERSONAL INJURY (NON-
VERBAL THRESHOLD)

Document Type: Complaint with Jury Demand

Jury Demand: YES - 12 JURORS

Hurricane Sandy related? NO

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same
transaction or occurrence)? YES

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual
management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

I certify that confidential personal identifiers have been redacted from documents now submitted to the
court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

08/31/2017
Dated

/s/ J ROBERT BRATMAN
Signed